

CHAPTER 42 PROBATION SERVICES

[Prior to 3/20/91, Corrections Department[291]]

201—42.1(907,908,910) Probation.

42.1(1) The district department shall have written policies and procedures which ensure the delivery of probation services throughout the district.

42.1(2) The district department shall have written policies and procedures which ensure that a case record is maintained on each client under supervision.

42.1(3) The district department shall have written policies and procedures governing the classification and supervision of probationers which is in compliance with the classification system established by the eight district departments and approved by the department of corrections.

42.1(4) The district department shall have written policies and procedures which ensure that the Case Planning Model Project (CMC) is utilized on all eligible clients. Policies and procedures shall also exist to ensure that a formal system of case management is conducted for all non-CMC eligible cases.

The district department shall have written policies and procedures which ensure that a case auditing system is developed and utilized according to established auditing standards which shall include the CMC Audit System and a Case File Audit System.

42.1(5) The district department shall have written policies and procedures which establish grievance procedures for all clients under supervision and details a method which ensures that all clients are notified of the procedure.

42.1(6) The district department shall have written policies and procedures for reporting violations of probation and recommending revocation of probation to the court.

42.1(7) The district department shall have written policies and procedures for requesting a discharge from probation and shall require a recommendation for discharge when it is clear that the client has met court obligations, is no longer a threat to the community or cannot benefit substantially from further supervision.

42.1(8) The district department shall have written policies and procedures to assist staff to determine under what circumstances an arrest may be made or a client should be taken into custody.

42.1(9) The district department shall have written policies and procedures governing the searching of probationers or the searching and seizure of their property which meet the requirements of the court.

42.1(10) The district department shall have written policies and procedures governing the preparation, submission, review and modification of the restitution plan of payment in accordance with Iowa Code chapter 910.

42.1(11) The district department shall have written policies and procedures governing the preparation, submission, review and modification of the plan of community service in accordance with Iowa Code chapters 907 and 910.

42.1(12) The district department shall establish conditions of probation which meet the approval of the chief judge of the judicial district, which apply to each person under probation supervision, and shall have written procedures for assuring that each client receives those conditions in writing which include written documentation of receipt by the probationer.

42.1(13) The district department shall have written policies and procedures governing the preparation, submission, review, modification, collection and retention of supervision enrollment fees, in accordance with Iowa Code chapter 905.14. Payments shall be made directly to the supervising judicial district department.

42.1(14) The district department shall have written policies and procedures governing the waiver of collection of supervision enrollment fees for persons determined to be unable to pay, in accordance with Iowa Code chapter 905.14.

42.1(15) The district department shall have written policies and procedures governing the collection and retention of supervision enrollment fees for persons transferring to another judicial district. Fees will be collected and retained by the supervising judicial district department.

42.1(16) The district department shall have written policies and procedures governing the collection of supervision enrollment fees for persons who receive additional supervisions. Fees shall be based on the offense class of the most serious offense for which the person is supervised. Fees shall not be based on an accumulation of additional supervisions.

This rule is intended to implement Iowa Code chapters 905 and 907 and sections 908.11 and 910.5.

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